

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JAVIS BLAKE,
Plaintiff,
v.
BRANDON SILBER, et al.,
Defendants.

Case No.: 2:24-cv-00200-MMD-DJA

ORDER

On January 29, 2024, pro se plaintiff Jarvis Blake, an inmate in the custody of the Nevada Department of Corrections, submitted a complaint under 42 U.S.C. § 1983 and applied to proceed *in forma pauperis* (“IFP”). (ECF Nos. 1-1, 1). Plaintiff’s IFP application is incomplete because he failed to include a financial certificate and an inmate trust fund account statement for the previous six-month period with it. Plaintiff, however, filed a motion seeking to extend the deadline for him to file his missing financial documents, arguing they are delayed because of prison staffing issues. (ECF No. 1-2). Plaintiff also states that he is scheduled to be released from prison on February 14, 2024. (*Id.* at 2). The Court grants Plaintiff’s motion and extends the deadline for him to either pay the full filing fee or properly apply for *in forma pauperis* status depending on his circumstances.

I. DISCUSSION

This Court must collect filing fees from parties initiating civil actions. 28 U.S.C. § 1914(a). As of December 1, 2023, the fee for filing a civil-rights action is \$405, which includes the \$350 filing fee and the \$55 administrative fee. See 28 U.S.C. § 1914(b). “Any person who is unable to prepay the fees in a civil case may apply to the court for leave to proceed *in forma pauperis*.” Nev. L.R. LSR 1-1. For a non-inmate to apply for *in forma pauperis* status, he or she must submit an application to proceed *in forma pauperis* on the Court’s approved form for non-inmates. But for an inmate to apply for *in forma pauperis* status, the inmate must submit **all three** of the following documents to the Court: (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, which is pages

1 1–3 of the Court’s approved form, that is properly signed by the inmate twice on page 3;
 2 (2) a completed **Financial Certificate**, which is page 4 of the Court’s approved form, that
 3 is properly signed by both the inmate and a prison or jail official; and (3) a copy of the
 4 **inmate’s prison or jail trust fund account statement for the previous six-month**
 5 **period**. See 28 U.S.C. § 1915(a)(1)–(2); Nev. L.R. LSR 1-2.

6 **II. CONCLUSION**

7 It is therefore ordered that Plaintiff’s motion for an extension of time (ECF No. 1-2)
 8 is granted.

9 It is further ordered that Plaintiff has **until April 8, 2024**, to either pay the full \$405
 10 filing fee or file with the Court a completed financial certificate that is signed both by the
 11 inmate and the prison or jail official and a copy of the inmate’s trust fund account
 12 statement for the previous six-month period; or, alternatively if Plaintiff has been released
 13 from custody, file with the Court a completed application to proceed *in forma pauperis* for
 14 non-inmates.

15 Plaintiff is cautioned that under Nevada Local Rule IA 3-1, a “pro se party must
 16 immediately file with the court written notification of any change of mailing address, email
 17 address, telephone number, or facsimile number.” “The notification must include proof of
 18 service on each opposing party or the party’s attorney.” Nev. L.R. IA 3-1. And “[f]ailure to
 19 comply with this rule may result in the dismissal of the action, entry of default judgment,
 20 or other sanctions as deemed appropriate by the court.” *Id.*

21 Plaintiff is further cautioned that this action will be subject to dismissal without
 22 prejudice if he fails to timely comply with this order. A dismissal without prejudice allows
 23 Plaintiff to refile the case with the Court, under a new case number, when he can file a
 24 complete application to proceed *in forma pauperis* or pay the required filing fee.

25 The Clerk of the Court is directed to send Plaintiff Jarvis Blake (1) the approved
 26 form application to proceed *in forma pauperis* for an inmate and instructions for the same
 27 and (2) the approved form application to proceed *in forma pauperis* for non-inmates and
 28 instructions for the same.

1 The Clerk of the Court is further directed to retain the complaint (ECF No. 1-1) but
2 not file it at this time.

3 DATED this 6th day of February 2024.

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6 UNITED STATES MAGISTRATE JUDGE
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